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10/789,676	02/27/2004	Peter Kennedy	APL1P298/P3207	7556

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EXAMINER	
LEWIS, DAVID LEE	

ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,676	KENNEDY, PETER	
	Examiner	Art Unit	
	DAVID L. LEWIS	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jerbi et al. (7289824).**

As in claim 1, Jerbi et al. teaches of a method, **figure 2, column 1 lines 33-55**, comprising:

generating a touch signal with a signet anywhere and in any orientation on a touch sensitive surface, the touch signal representing a particular signet shape, wherein the particular signet shape is the shape of the signet itself or a pattern formed on the signet, **column 1 lines 33-58, column 2 lines 20-30**; fingerprint pattern is said signet pattern

recognizing the particular signet shape, **column 1 lines 33-43, column 2 lines 5-19**; and

performing an action associated with the particular signet shape**, column 1 lines 45-58, column 2 lines 29-35 and 55-67**.

Wherein as known in the art finger print recognition includes finger shape determination.

As in claim 2, Jerbi et al. teaches of wherein said recognizing includes comparing the touch signal to one or more signet signals, **column 1 lines 33-43, column 2 lines 5-19**.

As in claim 3, Jerbi et al. teaches of wherein the action includes opening one or more restricted areas within a computer system, **column 1 lines 33-43, column 2 lines 29-35 and 55-67**.

As in claim 4, Jerbi et al. teaches of wherein the action includes configuring a computer system to a particular user, **column 1 lines 33-58 and column 2 lines 5-19**.

As in claim 5, Jerbi et al. teaches of wherein the action is configured to launch a program, **column 1 lines 33-58, column 2 lines 29-35 and 55-67**.

As in claim 6, Jerbi et al. teaches of wherein the action includes encrypting or decoding a message, **column 1 lines 33-58, column 2 lines 36-67, column 3**

lines 9-21, column 4 lines 5-15. wherein encryption and decoding are inherent to mobile communication.

As in claim 7, Jerbi et al. teaches of wherein said recognizing includes comparing the shape of a contact area with a list of signet shapes, and wherein the action is performed when the shape of the contact area matches the signet shape, **column 3 lines 9-21**.

As in claim 8, Jerbi et al. teaches of a computer system, **figures 1 and 2**, comprising:

a touch screen that generates signet data associated with a signet shape when a signet having the signet shape is placed at any location and in any orientation on the touch screen, **figure 1 item 3/4a, figure 2 item 4, column 1 lines 33-58**; and

a computer that recognizes the signet data and that initiates an action associated with the recognized signet data, wherein the signet shape is the shape of the signet itself or a shape formed on the signet, **figure 1 item M, column 1 lines 33-58, column 3 lines 9-21**. wherein different fingers have different shapes relative to one another.

As in claim 9, Jerbi et al. teaches of wherein the action includes logging onto the computer system, permitting authorized individuals access to restricted areas of the computer system, loading a user profile associated with a user's preferred

arrangement of the computer system, permitting access to web content, launching a program, opening a file or document, viewing a menu, making a selection, executing instructions, encrypting or decoding a message, or operating an input device, **column 1 lines 33-58, column 2 lines 36-67, column 3 lines 9-21, column 4 lines 5-15**.

As in claim 10, Jerbi et al. teaches of wherein the signet corresponds to a ring, a tag, a card, a token, a stamp, or a key, **column 1 lines 33-58, column 3 lines 9-21**. wherein said tag, stamp, or key is equivalent to said fingerprint

As in claim 11, Jerbi et al. teaches of wherein the signet pattern corresponds to the shape of the signet, **column 1 lines 33-58, column 3 lines 9-21**.

As in claim 12, Jerbi et al. teaches of wherein the signet pattern is formed on the signet, the signet pattern being a raised or recessed portion of the signet, **column 1 lines 33-58, column 3 lines 9-21**. said fingerprint feature

As in claim 13, Jerbi et al. teaches of wherein the touch screen is configured with a plurality of sensor coordinates that represent different points on the touch screen, the sensor coordinates activating when the signet is pressed against the touch screen, the activated sensor coordinates representing the shape of the signet pattern, **figure 1 item 3/4a, figure 2 item 4, column 1 lines 33-58, column 3 lines 9-21**.

As in claim 14, Jerbi et al. teaches of a signet system, **figures 1 and 2**, comprising:

a touch sensitive area for placing a signet having a signet shape, **figure 1 item 3/4a, figure 2 item 4**; and

a detection system for generating a touch signal when the signet is presented to any location and in any orientation on the touch sensitive area and for extracting shape data associated with the signet shape from the touch signal, wherein the signet shape is the shape of the signet itself or a shape formed on the signet, **figure 1 item M, column 1 lines 33-58, column 3 lines 9-21**.

As in claim 15, Jerbi et al. teaches of wherein detection system includes a sensing device and a control device, the sensing device being configured to register touches on the touch sensitive area and the control device being configured to monitor the touches and to translate the touches into shape data, **figure 1 items M and 4, column 1 lines 33-58, column 3 lines 9-21**.

As in claim 16, Jerbi et al. teaches of wherein the sensing device corresponds to a resistive sensing device, a capacitive sensing device, an acoustic wave sensing device or an infrared sensing device, **figure 1 item 4/4a, biometric sensor**.

As in claim 17, Jerbi et al. teaches of wherein the control device includes a sensor controller and a processor, the sensor controller being configured to

convert the touches into touch events, the processor being configured to interpret the touch events into shape data and to transmit the results to other components, **figure 1 items M and 4, column 1 lines 33-58, column 3 lines 9-21**.

As in claim 18, Jerbi et al. teaches of computer readable medium storing at least computer code executable by a computer, the computer code, **figures 1 and 2, column 1 lines 33-58, column 3 lines 9-21**, comprising:

storing shape data associated with one or more signets, **column 1 lines 33-58**;

generating shape data based on a signet placed at any location and in any orientation on said touch sensitive device**, column 1 lines 33-58, column 3 lines 9-21**;

comparing the generated shape data to the stored shape data, **column 1 lines 33-58, column 3 lines 9-21**; and

performing an action associated with the stored shape data when the generated shape data matches the stored shape data wherein the shape data is the shape of the signet itself or a pattern formed on the signet, **column 1 lines 33-58, column 3 lines 9-40.**

2. Claims 1, 8, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoo (6643388).

As in claim 1, Yoo teaches of a method, **figure 7, column 7 lines 28-67**, comprising:

generating a touch signal with a signet anywhere and in any orientation on a touch sensitive surface, the touch signal representing a particular signet shape, wherein the particular signet shape is the shape of the signet itself or a pattern formed on the signet, **column 7 lines 28-67, column 8 lines 1-21**; fingerprint pattern is said signet pattern/shape

recognizing the particular signet shape, **column 7 lines 28-67, column 8 lines 1-21**; and

performing an action associated with the particular signet shape**, column 7 lines 28-67, column 8 lines 1-21**.

As in claim 8, Yoo teaches of a computer system, **figures 7**, comprising:

a touch screen that generates signet data associated with a signet shape when a signet having the signet shape is placed at any location and in any orientation on the touch screen, **column 7 lines 28-67, column 8 lines 1-21**; and

a computer that recognizes the signet data and that initiates an action associated with the recognized signet data, wherein the signet shape is the shape of the

signet itself or a shape formed on the signet, **column 7 lines 28-67, column 8 lines 1-21**.

As in claim 14, Yoo teaches of a signet system, **figures 7**, comprising:

a touch sensitive area for placing a signet having a signet shape, **column 7 lines 28-67, column 8 lines 1-21**; and

a detection system for generating a touch signal when the signet is presented to any location and in any orientation on the touch sensitive area and for extracting shape data associated with the signet shape from the touch signal, wherein the signet shape is the shape of the signet itself or a shape formed on the signet, **column 7 lines 28-67, column 8 lines 1-21**.

Response to Arguments

3. Applicant's arguments filed on 5/27/2009 with respect to claims 1-18 have been considered but are not persausive. The Applicant's claims read on a computer device having a biometric sensor such as a fingerprint reader, which is not limited by finger shape, position, or orientation. Jerbi et al. teaches of the claimed invention. The amended claims replace pattern with shape however the terms have equal functional or interpretive value. Inherent to fingerprint determination is finger shape determination. The claimed invention would also be obvious over Allport as modified by Jerbi et al.. New art Yoo is provided which also anticipates the Applicants invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on **(571) 272-7681**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571)-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: David L. Lewis

June 8, 2009

/David L Lewis/

Examiner, Art Unit 2629